

# PRESENTATION ON IPID SPECIAL CLOSURE INVESTIGATION

INDEPENDENT POLICE INVESTIGATIVE DIRECTORATE (IPID)

**Date:** 27 November 2019

**Venue:** Committee Room 1, Ground Floor

**Time:** 09:30 – 13:00



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# 1. INTRODUCTION

- a) Media Interest relating to cases closed under “Special Closure”
- b) “Special Closure” is a system generated process to enable provincial management to complete and close cases which do not require referral to the NPA or recommendations to the SAPS/MPS.
- c) Purpose of presentation: To give progress with regards to the investigation of cases closed under “Special Closure”.

## 2. BACKGROUND TO SPECIAL CLOSURE INVESTIGATION

a) 2016: IPID Ethics officer (Mr A. Maharaj) receives a whistle-blower report

- Allegations of “Special Closure” of cases at the Gauteng and Kwa-Zulu Natal Provincial offices;
- Cases were allegedly closed without due process being followed;
- Alleged category of cases closed under “Special Closure”:
  - i. Assault [Section 28 (1)(f)],
  - ii. Corruption [Section 28 (1)(g)],
  - iii. Discharge of a Firearm [Section 28 (1)(c)],
  - iv. Death as a Result of Police Action [Section 28 (1)(b)] ,
  - v. Death in Police Custody [Section 28 (1)(a)],
  - vi. Rape [Section 28 (1)(f)],
  - vii. Any other matter referred to IPID as a result of a decision by the Executive Director, or if so requested by the Minister, an MEC or the Secretary as the case may be, in the prescribed manner.
  - viii. Cases of systemic corruption [Sect. 28 (2)]

## 2. BACKGROUND TO SPECIAL CLOSURE INVESTIGATION CONT.

- b) The Ethics Officer forwarded a report to the office of the former Executive Director
  - Request for an investigation into the allegations.
  - The Integrity Strengthening Unit (ISU) was tasked with the investigation.
- c) ISU is mandated by Chapter 6 of the Public Administration Management Act 11 of 2014 to:
  - develop the norms and standards on integrity, ethics and disciplinary matters relating to misconduct in the public administration;
  - strengthen measures for managing unethical conduct and promoting integrity within the department and;
  - promote and enhance good ethics, integrity and discipline and where necessary, in cases where systematic weaknesses are identified, to intervene.

### 3. SCOPE OF INVESTIGATION

- a) To objectively look into the cases closed under "Special Closure" in Gauteng (GP) and Kwa-Zulu Natal (KZN) offices respectively.
- b) To identify all, if any, loopholes which might have existed.
- c) To identify individual person(s), if any, to be held accountable for:
  - transgressions of any of the IPID policies and/or
  - transgressions of procedures in place at the time of such closure
- d) Expansion of scope to :
  - include all other provinces; and
  - determine the extent of the problem

## 4. INVESTIGATION PROCESS

### a) Communication with Provincial Heads:

- Via email;
- Telephonic follow-up where necessary;
- Request to avail all case files closed under “Special Closure”.

### b) Physical inspection of all case files made available (exception KZN).

### c) It should be noted that:

- not all cases were inspected;
- not all implicated members were provided with the opportunity of a right of reply.

## 4. INVESTIGATION PROCESS CONT.

d) The following quality control measures were put in place:

- Consideration of IPID Investigative Standard Operating Procedure (SOP), ED Directives and all other applicable legislative frameworks e.g. Criminal Procedure Act;
- Consultation with the Head of Investigations;
- Confirmation of cases on the Case Management System;
- Obtaining affidavits from implicated individuals in the respective provinces.



## 4. INVESTIGATION PROCESS CONT.

The table below provides a summary of cases implicated and investigated thus far per province :

PROVINCE	2015 - 2017		
	Total No of Case Files Closed as "Special Closure"	Case Files Inspected	Case Files Outstanding
Eastern Cape (EC)	10	6	4
Free State (FS)	121	60	61
Gauteng (GP)	154	62	92
Kwa-Zulu Natal (KZN)	1 259	380	879
Limpopo (LP)	10	10	0
Mpumalanga (MP)	23	11	12
Northern Cape (NC)	5	5	0
North West (NW)	12	11	1
Western Cape (WC)	67	35	32
<b>TOTAL</b>	<b>1 661</b>	<b>580</b>	<b>1 081</b>

## 5. PRELIMINARY FINDINGS

- a) The highest number of cases are in :
  - KZN (1 259)
  - GP (154)
  - FS (121)
  - WC (67)
  
- b) The Preliminary Findings can be categorized as follows:
  - No irregularities found (4 provinces)  
(Limpopo, Mpumalanga, North West and Northern Cape)
  - Not all case files availed (4 provinces)  
(Eastern Cape, Free State, Gauteng and Western Cape)
  - Not all case files availed were inspected (1 province)  
(Kwa-Zulu Natal)

## 5. PRELIMINARY FINDINGS CONT.

c) Irregularities found include amongst others:

- Case files closed without technical reports.
- Case files already investigated by SAPS prior to collection by IPID.
- Proper investigation procedures were not followed, e.g. SOP.

## 6. CONSEQUENCE MANAGEMENT

a) In GP in particular:

- A criminal case was opened;
- One official implicated resigned from IPID's employ; and
- One official was dismissed (Gauteng).

## 7. CHALLENGES

- a) Resource constraints (human and financial);
- b) Competing priorities;
- c) Magnitude of the investigation; and
- d) Complexity of the investigation;

## 8. WAY FORWARD

- a) The IPID be afforded more time to finalise the investigation in respect of amongst others:
  - inspecting all case files;
  - interviewing all officials implicated; and
  - interviewing victims/complainants
- b) That the ISU be provided with additional:
  - resources to assist with finalizing the investigation
  - ✓ National Treasury has been approached for assistance

## 9. CONCLUSION

- a) The IPID views allegations of irregular “Special Closure” of cases in a serious light.
  - Goes against the mandate and values of the department;
  - Taints the image of department; and
  - No justice for complainants/victims
  
- b) To restore and maintain the integrity of the IPID investigations; the department will:
  - ensure that all cases are investigated, and
  - institute consequence management against implicated officials

# Thank you

